

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

|                          |   |                           |
|--------------------------|---|---------------------------|
| -----                    | X |                           |
|                          | : |                           |
| UNITED STATES OF AMERICA | : |                           |
|                          | : | CONSENT PRELIMINARY ORDER |
| - v. -                   | : | OF FORFEITURE/            |
|                          | : | <u>MONEY JUDGMENT</u>     |
| SHAWN THOMAS,            | : |                           |
|                          | : | S2 23 Cr. 52 (RA)         |
| Defendant.               | : |                           |
| -----                    | X |                           |

WHEREAS, on or about May 10, 2023, SHAWN THOMAS (the “Defendant”), among others, was charged in a six-count Superseding Indictment, S2 23 Cr. 52 (RA) (the “Indictment”), with conspiracy to commit Hobbs Act robbery, in violation of Title 18, United States Code, Section 1951 (Count One), Hobbs Act robbery, in violation of Title 18, United States Code, Sections 1951 and 2 (Counts Two through Four), and brandishing a firearm on January 11, 2023, in violation of Title 18, United States Code, Sections 924(c)(1)(A)(i), (ii) and 2 (Count Six);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Five of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Five of the Indictment, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Five of the Indictment;

WHEREAS, the Indictment included a second forfeiture allegation as to Count Six of the Indictment, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), of any and all firearms and ammunition involved in or used in the offense charged in Count Six;

WHEREAS, on or about 12/20/23, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Count One of the Indictment and agreed to forfeit to the United States; (i) pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), a sum of money equal to \$19,050 in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$19,050 in United States currency representing the amount of proceeds traceable to the offense charged in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with his co-defendants Michael Wilbon, Johnny Houston, Francis Shane, Ronelle Anthony, and Yahtek Johnson (the "Co-defendants") to the extent forfeiture money judgments are entered against the Co-defendants in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offenses charged in Count One of the Indictment that the Defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Katherine Cheng, of counsel, and the Defendant and his counsel, Florian Miedel, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$19,050 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offenses charged

in Count One of the Indictment that the Defendant personally obtained, for which the Defendant is jointly and severally liable with the Co-defendants, to the extent forfeiture money judgments are entered against the Co-defendants in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant SHAWN THOMAS, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

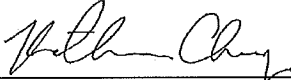
6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York


By:   
KATHERINE CHENG  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2492

11/16/2023  
DATE

SHAWN THOMAS

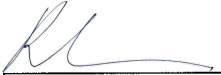
By:   
SHAWN THOMAS

12/20/23  
DATE

By:   
FLORIAN MIEDEL, ESQ.  
Attorney for Defendant  
Miedel & Mysliwiec LLP  
80 Broad Street, Suite 1900  
New York, NY 10004  
(212) 616-3042

12/20/23  
DATE

SO ORDERED:

  
HONORABLE RONNIE ABRAMS  
UNITED STATES DISTRICT JUDGE

12/26/23  
DATE